

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MAURICE HOLMES,

Plaintiff,

v.

LABORATORY CORPORATION OF
AMERICA, *et al.*,

Defendants.

Case No. 2:23-cv-00024-MMD-DJA

ORDER

Pro se Plaintiff Maurice Holmes, who is incarcerated at the Nevada Southern Detention Center, has filed a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 17 (“First Amended Complaint”).) Before the Court is Defendants’ motion to dismiss the First Amended Complaint (“FAC”). (ECF No. 19 (“Motion”).) Plaintiff originally had until October 2, 2023 to respond to the Motion, but the Court granted Plaintiff an extension of time to respond by November 16, 2023. (ECF No. 23.) The Court warned Plaintiff that “failure to respond will be construed as consent to the [M]otion being granted and will result in the case being dismissed.” (*Id.*) To date, no response has been filed. As further explained below, the Court grants the Motion as unopposed under Local Rule (“LR”) 7-2(d).

LR 7-2(d) provides that “[t]he failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the granting of the motion.” Because Plaintiff has failed to respond to the Motion and the deadline to do so has passed, he is deemed to have consented to the granting of the Motion. The Court therefore grants Defendants’ Motion as unopposed.

It is therefore ordered that Defendants’ motion to dismiss (ECF No. 19) is granted.

1 It is further ordered that this action is dismissed without prejudice. If Plaintiff wishes
2 to pursue his claims, he must do so in a new case.

3 The Clerk of Court is directed to enter judgment accordingly and close this case.

4 DATED THIS 20th Day of November 2023.

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7 MIRANDA M. DU
8 CHIEF UNITED STATES DISTRICT JUDGE
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